

1 Michael L. Schrag (SBN 185832)  
2 Joshua J. Bloomfield (SBN 212172)  
3 Linda P. Lam (SBN 301461)  
4 **GIBBS LAW GROUP LLP**  
5 505 14th Street, Suite 1110  
6 Oakland, California 94612  
7 Telephone: (510) 350-9700  
8 Facsimile: (510) 350-9701  
9 mls@classlawgroup.com  
10 jjb@classlawgroup.com  
11 lpl@classlawgroup.com  
12

13 Richard M. Paul III  
14 Ashlea G. Schwarz  
15 Laura C. Fellows  
16 **PAUL LLP**  
17 601 Walnut Street, Suite 300  
18 Kansas City, Missouri 64106  
19 Telephone: (816) 984-8100  
20 Facsimile: (816) 984-8101  
21 Rick@PaulLLP.com  
22 Ashlea@PaulLLP.com  
23 Laura@PaulLLP.com  
24

25 *Counsel for Plaintiffs and the Proposed Classes*  
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16 **UNITED STATES DISTRICT COURT FOR THE**  
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 ALICIA HERNANDEZ et al., individually  
19 and on behalf of all others similarly situated,

20 Plaintiffs,

21 v.

22 WELLS FARGO BANK, N.A.,

23 Defendant.  
24  
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Case No. 3:18-cv-07354-WHA

**DECLARATION OF RICHARD M.  
PAUL III IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

Date: October 17, 2019

Time: 8 a.m.

Dept: Courtroom 12

Judge: Hon. William H. Alsup

1 I, Richard M. Paul III, declare as follows:

2 1. I am the managing partner of Paul LLP, counsel of record in this case. I make this declaration in  
3 support of Plaintiff's motion for class certification. I have personal knowledge of the contents herein,  
4 and if called to testify to the contents hereof, I could and would competently do so.

5 2. Paul LLP has five attorneys, all of whom concentrate on complex commercial and consumer  
6 contingent-fee litigation, devoting a substantial portion of their practice to prosecuting class and mass  
7 actions. Paul LLP is capable of handling large scale and high stakes litigation on a fully contingent  
8 basis and is in a position to advance substantial litigation costs and to prosecute complex and lengthy  
9 litigation that includes many hundreds of clients. Attached as Exhibit A is a copy of Paul LLP's firm  
10 resume.

11 3. I, and the attorneys in my firm, have substantial experience prosecuting complex class (and  
12 other) actions against financial institutions and large corporations, and otherwise meet all the  
13 requirements of Rule 23(g) to best represent the class.

14 4. I have been appointed by courts across the country to the role of class counsel on dozens of  
15 occasions, and prior to that, was a partner in a large defense firm representing large companies  
16 defending dozens of class actions and large-scale commercial cases, including numerous banks and  
17 other financial institutions.

18 5. Most recently, in 2018, Paul LLP, along with my co-counsel Gibbs Law Group LLP, settled a  
19 nationwide class action against JP Morgan Chase for charging FHA mortgage-holders improper  
20 interest.

21 6. I have handled numerous cases, both class actions and other multi-party cases, against financial  
22 institutions, typically involving the bank's involvement in scandals like that alleged here against Wells  
23 Fargo.

24 7. Equally as important to me, I have the ability, experience, and willingness to try my client's  
25 cases, whether to a jury, a judge, or an arbitrator. I have tried numerous cases in all three settings on  
26 behalf of plaintiff classes, as well as individual or corporate plaintiffs and defendants.

27 8. On three occasions, court-appointed MDL leadership has asked me to try a bellwether case in an  
28 MDL. Most recently, in 2017, I was asked by appointed class counsel to be co-lead trial counsel on

1 behalf of a class of approximately 22,000 corn farmers in the State of Minnesota. The trial was a  
2 bellwether for a series of individual state class actions forming part of a parallel state and federal multi-  
3 district litigation. During the third week of trial, a nationwide class settlement for all litigation in both  
4 the state and federal MDL was reached in the amount of \$1.51 billion.

5 9. Further, I have successfully tried numerous cases to judges and juries in both state and federal  
6 court, and tried several cases in arbitration, including two collective action arbitrations on behalf of  
7 hundreds and thousands of employees.

8 10. I and the members of my firm, together with my co-counsel, have invested significant time and  
9 resources developing and pleading the legal claims, researching the Troubled Asset Relief Program  
10 (TARP) and resulting federal Home Affordable Modification Program (HAMP), interviewing more  
11 than 200 class members, and successfully requesting an early Order to Show Cause (ECF No. 15) to  
12 ensure that Wells Fargo accurately informed class members about this lawsuit.

13 11. In addition, I and the members of my firm, together with my co-counsel, extensively researched  
14 the legal basis for the claims asserted and worked together to develop liability and damages theories  
15 that were pled in this matter.

16 12. In accordance with the Court's order issued following the January 3, 2019 hearing on the Order  
17 to Show Cause, the parties conferred about the content of a letter to be sent to putative class members.

18 13. Since the mailing of that correspondence, Gibbs Law Group LLP and Paul LLP have received  
19 more than 200 inquiries from putative class members and have expended substantial efforts providing  
20 timely responses to putative class members' inquiries regarding mediation offered by Wells Fargo.  
21 Immediately following the mailing, a member of my firm devoted nearly full-time efforts to respond to  
22 these inquiries. Since the initial mailing, the number of inquiries has decreased, however, my firm  
23 continues to devote resources to providing timely responses to new inquiries and will continue to do so.

24 14. My firm and I, along with Gibbs Law Group LLP, have briefed two motions to dismiss all or  
25 part of this case, are in the process of reviewing over 140,000 pages of documents that Wells Fargo  
26 produced, defended 14 Plaintiffs' depositions, deposed four Wells Fargo employees, and hired an  
27 expert to assess whether it will be possible to systemically calculate Class members' damages.

1 15. To date, the members of my firm and I have spent over 1,450 hours prosecuting claims on  
2 behalf of Plaintiffs and class members, and have incurred over \$32,100 in out-of-pocket expenses in  
3 this case.

4 16. My firm and I remain committed to continuing the same dedication and devotion of resources as  
5 described above to the representation of the putative class as interim class counsel through the entirety  
6 of this litigation.

7 I declare under penalty of perjury that the foregoing is true and correct.

8 Dated this 29th day of August, 2019.

9 /s/ Richard M. Paul III